

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

| | | |
|---|---|-----------------------|
| In re: |) | |
| |) | |
| RANDY P. COLEY, |) | |
| |) | Case No. 18-02154-JNC |
| |) | Chapter 7 |
| Debtor. |) | |
| |) | |
| RICHARD D. SPARKMAN, Chapter 7 Trustee, |) | |
| |) | |
| Plaintiff, |) | Adversary Proceeding |
| |) | No. 18-00113-5-JNC |
| -against- |) | |
| |) | |
| ITS THUNDERTIME, LLC, a Delaware Limited |) | |
| Liability Company; RANDY P. COLEY; |) | |
| KIMBERLY COLEY, |) | |
| |) | |
| Defendants. |) | |

**DECLARATION OF GEORGE F. SANDERSON III CERTIFYING COMPLIANCE
WITH FEDERAL RULE OF BANKRUPTCY PROCEDURE 7065 REGARDING
NOTICE TO OPPOSING PARTIES**

Pursuant to 28 U.S.C. § 1746, George F. Sanderson III declares as follows:

1. I am more than eighteen years old and otherwise competent to testify regarding the matters herein.
2. I am a partner with the Raleigh, North Carolina law firm of Ellis & Winters LLP and represent Richard D. Sparkman, Chapter 7 Trustee (“Trustee”) for the Bankruptcy Estate of Randy P. Coley, in the above-captioned matter.
3. I make this certification in compliance with Local Rule 7065-1.

4. On November 8, 2018, I caused to be filed and served a motion for preliminary injunction in the above-captioned matter [D.E. # 3]. The method of service is set forth in the Certificate of Service attached to the motion.

5. The Trustee sought to reduce the response time to and have the Court set an expedited hearing on the motion for preliminary injunction, which request was granted by order of this Court. [D.E. # 7] I have caused to be filed and served a Notice of Motion setting forth the response and hearing dates consistent with the Court's order. [D.E #9] The method of service is set forth in the Certificate of Service attached to the Notice of Motion.

6. I am satisfied that the efforts to provide service to opposing parties of the motion for preliminary injunction and related notice of motion and hearing are sufficient and comply with Federal Rule of Bankruptcy procedure 7065, incorporating by reference therein Rule 65 of the Federal Rules of Civil Procedure.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

This the 9th day of November, 2018

/s/ George F. Sanderson III
George F. Sanderson III

CERTIFICATE OF SERVICE

I, George F. Sanderson III of ELLIS & WINTERS LLP hereby certify:

That I am, and all time hereinafter mentioned was, more than eighteen (18) years of age;

I hereby certify that on November 9, 2018, a true and correct copy of the Declaration of George F. Sanderson III Certifying Compliance with Federal Rule of Bankruptcy Procedure 7065 Regarding Notice to Opposing Parties was served by e-mail and overnight, express mail to the following parties:

J.M. Cook
J.M. Cook, P.A.
5886 Faringdon Place, Suite 100
Raleigh, NC 27609
919 675-2411
J.M.Cook@jmcookesq.com
Attorney for the Debtor

Danny Bradford
Bradford Law Offices
455 Swiftside Drive, Suite 106
Cary, NC 27518
Dbradford@bradford-law.com
Attorney for Kimberli Coley

I further certify that on November 9, 2018, a true and correct copy of the Notice of Hearing on Motion for Preliminary Injunction was served by overnight, express mail to the following parties:

Its Thundertime LLC
c/o Kimberli M. Coley, Registered Agent
202 Brittany Place
Cary, NC 27511

Randy P. Coley
202 Brittany Place
Cary, NC 27511

Kimberli M. Coley
202 Brittany Place
Cary, NC 27511

This the 9th day of November, 2018.

/s/George F. Sanderson, III

George F. Sanderson, III

N.C. Bar No. 33054

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*Counsel for the Trustee for Limited
Purposes*